

A N O R D I N A N C E

TO PROTECT THE PUBLIC IN THE PLANNING AND ADMINISTRATION OF
OUTDOOR EVENTS ON PROPERTY NOT OWNED OR CONTROLLED BY
THE CITY OF GREENVILLE BY AMENDING CHAPTER 16,
"ENVIRONMENT," OF THE CODE OF ORDINANCES

WHEREAS, the city of Greenville currently has in place regulations for special events in City streets and on City property in order to address safety, noise, sanitation, the service of food and beverages, the presentation of entertainment, the interaction of motor vehicles and pedestrians, and similar considerations; and


WHEREAS, City staff members have surveyed the best practices of other jurisdictions in the region to assess the most effective means of dealing with such situations that allow for the benefits of outdoor events at suitable locations in parking lots and other open spaces while also alerting public safety officials and responders with the necessity of being prepared for them and their possible consequences; and

WHEREAS, City Council intends to avoid undue hardship upon residents and will therefore exclude from coverage occurrences such as weddings, family reunions, school carnivals on school grounds, and church picnics on church grounds, and like events; and

WHEREAS, City Council, after review, is now prepared to enact measures that reasonably, fairly, and efficiently balance the interests of private promoters, attendees, public safety officers and responders, and the public at large;


NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that Chapter 16, "Environment," of the Greenville City Code shall be amended by adding Article V, "Large Outdoor Events on Property Not Owned or Controlled by the City." The new article shall be the same as the Exhibit attached hereto and incorporated herein by reference. This ordinance shall take effect January 1, 2012 upon approval of second and final reading.

DONE, RATIFIED AND PASSED THIS THE 9 DAY OF January, 2012.




MAYOR

ATTEST:



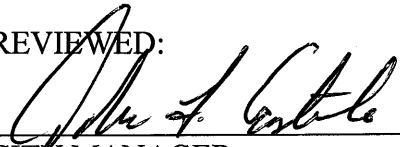
CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED:



CITY MANAGER

EXHIBIT

ARTICLE V. LARGE OUTDOOR EVENTS ON PROPERTY NOT OWNED OR CONTROLLED BY THE CITY

Sec. 16-190 Permit and compliance required; owner and occupant responsibility

No person, organization, or other entity shall sponsor or knowingly permit a large outdoor event, as defined in Section 16-191, without first obtaining a permit from the City in accordance with the provisions of this article. No person having received such a permit shall conduct or allow to be conducted a large outdoor event without complying with the terms of the permit. No property owner, tenant, or other lawful occupant of the premises shall provide a written authorization for the large event without also taking all reasonable steps and precautions within the scope of their authority over the property to assure the sponsor's compliance with this article.

Sec. 16-191 Definitions

For purposes of this article the terms listed below shall have the meaning ascribed to them in this section:

Director shall mean the Director of Public Information and Events or such other person as the City Manager shall designate to exercise the City's duties, responsibilities, and authority under this article.

Large outdoor event shall mean any performance, party, dinner, sale, or like occurrence - *except as listed in "Exempt Events" in Section 16-192 - which:*

(1) is held outside in a parking lot, field, lawn, driveway, or like area which is not contained within a permanent improvement having a roof supported by enclosing walls, lattices, or other upright structural configuration; and

(2) Has or reasonably should be anticipated as having 500 or more members of the public at large in attendance at any one time during the occurrence; and

(3) Is open to members of the public at large.

Open to members of the public at large shall mean attendance is extended and granted to any person or group of persons who by virtue of paying an admission fee, entrance fee, cover charge, or like payment without regard to having known or had prior dealings with the promoter, sponsor, owner, lessee, or manager of the premises or of the event. It The term shall include events for which no such charge is made but which is advertised, promoted, or sponsored in association with or in collaboration with an organized convention, conference, or other assemblage for which there is a registering process that is advertised and promoted by radio, television, printed publication, mail outs, mass emailing, or mass social media contact. The term shall also include such events for which no such charge is made but which offers food, beverages, or entertainment, or some combination of them, for payment.

Sec. 16-192. Exemptions-Exclusions

The provision of this article does not apply to the following occurrences and circumstances:

A. Any event held *inside* a theater, church, school, assembly hall, arena, governmental council chamber or board meeting room, or like area within a structure and specifically designed to be used as a place for the assemblage of persons.

B. A private event to which written invitations have been extended to specific persons such as a wedding, anniversary party, non-profit fund raiser, political reception or fund raiser for a candidate for public office or political party or similar occurrence for which invitations have been extended, even if there are attendees who did not receive an invitation; provided however, a mass

mailing, or mass emailing, of promotional material to a customer list for what is primarily a commercial event shall not exclude the activity from coverage by this ordinance.

C. Parades and other events occurring on City streets, parks, plazas, and other City owned property for which are subject to the provisions of Article V, Chapter 36 of the City Code.

D. Scheduled events held in a baseball stadium or football stadium with the consent and approval of the owner or manager of the facility.

E. Events which are held on the grounds of a school, place of worship, business, or non-profit corporation and which are attended primarily by attendees of the school, place of worship, business, or nonprofit corporation.

F. Family reunions.

Sec. 16-193. Permit process; requirements

A. The Director shall prepare a permit application and develop a process for submitting, considering, and approving, approving with modifications and conditions, or denying applications which are timely submitted and complete; an application must be submitted no later than 30 days prior to the event. The process shall conform to the provisions of this article and may be supplemented for purposes of clarification and special conditions associated with the time, date, day of the week, location, and comparable variables associated with an application.

B. No permit shall be granted to an applicant for a large outdoor event permit unless the applicant establishes with reasonable substantiation that provisions are in place to comply with the following:

1. *Location*: the address of the location, as well as the name and relevant contact information of the owner and lawful occupant of the premises, and where applicable, the name of the manager of the premises.

2. *Sponsor identity*: the name of the sponsor or promoter of the event, which shall be the person capable of making decisions during the planning, preparation, operation, and cleanup of the event.

3. *Noise control*: evidence of workable plans to mitigate and limit the sound from the event so that the effects of excessive noise are minimized; **NOTE**: an approved large outdoor event is not exempt from the Noise Ordinance unless the approved permit so specifies and then the permit must address the terms and conditions of noise control and may be revoked for failure to comply.

4. *Site plan*: a reasonably accurate representation of the boundaries of the site and the location and character of uses of any property abutting the property on which the event is to occur; if vehicles are to be allowed within the site area, there must be a showing of safe ingress and egress routes as well as routes for safe internal circulation.

5. *Date, day of week, and times*: the date, day of the week, and beginning time of the event as well as the date, day of the week, and ending time of the event. No event may begin earlier than 8:00 a.m. absent a clear and convincing showing by the applicant for the earlier time, and no event shall continue in operation after 10:00 PM the Director may set reasonable limits upon the latest time for operation in view of the potential impact of the activity upon surrounding properties and their occupants, with special regard to any nearby residential uses.

6. *Toilets*: a workable plan for the placement of useable public toilets in such numbers as to comply with at least one toilet for every two hundred fifty (250) person estimated to be in attendance and the most intensely attended portion of the event. If special circumstances require, the Director may increase the number of toilets required.

7. *Toilet sanitation*: substantiation that the toilets will be in a clean, sanitary, functioning, and useable condition throughout the event in accordance with the standards used for special events on city property.

8. *Parking plan:* a suitable parking plan, inclusive of staffing, to assure orderly and reasonable parking where otherwise permitted by law and with the consent of property owners.

9. *Maintenance and clean up:* a workable plan for the control of solid waste during the event and a cleanup plan for after the event; At a minimum the plan must specify: the placing and size of solid waste receptacles for use by attendees, vendors, and other participants; the frequency of replacement or emptying the receptacles; the arrangements to reduce the likelihood of litter affecting nearby properties and rights of ways; and the time and thoroughness of clean up.

10. *Monitoring and security:* a description of the method by which there will be monitors of activity and crowd movement as well as security for the activity; at a minimum the description shall address the placement, duties, and authority of the personnel.

11. *Written authorization:* a statement reduced to writing in a form acceptable to the reasonable satisfaction of the Director by which both the owner of the property and the tenant or other lawful occupant affirm that they are aware of the program to be offered and that they authorize the occurrences.

12. *Contacts for nearby occupants and owners:* substantiation that persons owning and occupying property within 500 feet of the site have been provided the name, telephone numbers, and address of the sponsor of the event; the telephone numbers must include the sponsor's cell phone which must be operable during the event.

Sec. 16-194. Service of alcohol

Any sponsor planning to serve beverages containing alcohol at a large outdoor event must disclose that fact on the permit application. All requisite state alcohol licenses and permits must be obtained and a copy provided to the Director prior to the event. No service shall be allowed unless it is in conformity with state law. Failure to comply is a basis for immediate termination of the event.

Sec. 16-195. Bond

A sponsor must post a bond with the City of \$500 for cleanup costs associated with public rights of way and public property located within 500 feet of the event site. If the City incurs no cleanup costs attributable to the event within forty-eight hours of the time the event ends, then the full amount will be returned promptly to the sponsor. If the City incurs personnel or other expenses for cleanup costs reasonably attributable to the event and determined within forty eight hours, then the City may retain so much as needed for such costs and return the remainder. If the City during that time receives a complaint about damage and cleanup costs from the occupant or owner of other property within forty-eight hours of the event, and the complaint reasonably relates to conditions associated with the event, then the City reserves the right to retain possession of the full amount of the bond until it receives a signed release of claims from the complainant. Nothing in this section precludes either the City or the occupant or owner of property located within 500 feet of the event site of seeking additional damages from the event sponsor not covered by the bond.

Sec. 16-196. Other laws

Compliance with the provisions of this article does not relieve the sponsor from complying with all other licensing and permitting requirements of the City, including business license, occupancy permits in the event stages or tents are utilized. Nor does such compliance relieve the sponsor from compliance with fire code, traffic laws, parking requirements, sanitation provisions, or any other municipal ordinance.

Sec. 16-197. Compliance and Enforcement

All applicants for a large outdoor event permit shall make full disclosure of all material facts asked for on the application and known to them at the time of application. Failure to disclose fully is a separate violation in addition to any others arising under this article. The police and other personnel designated by the City Manager to enforce this article are authorized to discontinue immediately a large outdoor event which has not been properly permitted or which fails to comply with the terms and conditions of the permit. Any sponsor or promoter of such an event shall be entitled to appeal the decision immediately by telephone or other comparable communication device to the City Manager, or in his absence or unavailability, to the Deputy City Manager or other acting manager, who may affirm, modify, or reverse the termination of the event. Persons convicted of a willful violation of this article shall be subject to the general penalties clause of City Code §1-5.